

2854



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Sudhendu Rai, et al.
TITLE : **METHOD FOR DETERMINING
OPTIMAL BATCH SIZES FOR
PROCESSING PRINT JOBS IN A
PRINTING ENVIRONMENT**
SERIAL NO. : 09/767,976
FILED : January 23, 2001
EXAMINER : Minh H. Chau
ART UNIT : 2854
LAST OFFICE ACTION : May 7, 2003
ATTORNEY DOCKET NO. : D/A0805
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TECHNOLOGY CENTER 2800

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the Examiner's Action mailed May 7, 2003, restricting prosecution of the above-identified patent application to one of three (3) claim sets, Applicants elect claim Group I, comprising claims 1-12, drawn to a method of receiving, dividing and processing steps. This election is made with traverse, since at least non-elected claims 13 and 18 do not specify any claimed subject matter that would not necessarily be searched in association with claim 1. Particularly, as noted in M.P.E.P. §803, two criteria for a proper requirement for restriction between patentably distinct inventions include:

(A) The invention must be independent (see M.P.E.P. §802.01, §806.04, §808.01) or distinct as claimed (see M.P.E.P. §806.05-§806.05(a)); and

(B) There must be a serious burden on the examiner if restriction was required (see M.P.E.P. §803.02, §806.04(a)-§806.04(i), §808.01(a), and §808.02). respectfully request reconsideration of the application.

In this case, the search required for the steps of claim 1 would include search areas which would also include the subject matter set forth in the claims now proposed to be restricted. Therefore, this would not place an undue burden on the examination required.

Accordingly, Applicants hereby request withdrawal of claims 13-20, subject to reconsideration of the restriction requirement for the reasons noted above. In addition, Applicants withdraw these claims without prejudice, and expressly reserves the right to pursue the non-elected subject matter in a divisional application during the pendency of the above-identified application or any continuing application should the Examiner disagree with Applicants' position.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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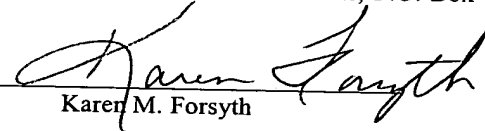
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CERTIFICATE OF MAILING

I hereby certify that this Response to Restriction Requirement is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 9, 2003.

By



Karen M. Forsyth